

PROCEDURES RELATING TO THE PROVISION OF
EXPERT CIA PERSONNEL TO LAW ENFORCEMENT AUTHORITIES*

For the purpose of implementing subsection 2-309(c) of Executive Order 12036, the Attorney General has approved the following procedures relating to the provision of Central Intelligence Agency (CIA) expert personnel to law enforcement authorities within the United States for the purposes of actual participation in enforcement activities. These procedures do not apply in circumstances where CIA is asked only to provide specialized equipment, or technical knowledge to law enforcement authorities.

PROHIBITIONS

1. CIA will not provide its expert personnel to the Law Enforcement Assistance Administration (LEAA) or its successor agencies.
2. CIA will not provide its expert personnel to other Federal law enforcement authorities for law enforcement activities unless the Attorney General approves such assistance, except as provided in paragraph 5, 11, 12 or 13 below.
3. CIA will not provide its expert personnel to state or local law enforcement agencies within the United States to support law enforcement activities unless lives are endangered and the Attorney General approves such assistance, except as provided in paragraph 11 or 13 below.

PERMITTED ACTIVITIES

4. CIA may provide its expert personnel to any law enforcement authority except the LEAA to support law enforcement activities if there are reasonable grounds to believe that CIA is in a position to provide assistance which is not otherwise available from a non-intelligence agency and if the Attorney General approves such assistance pursuant to paragraph 6 or 7 below.

*Depending on the purpose for which the expert personnel are being provided, other Attorney General approved procedures may also apply. Unless the Attorney General otherwise specifies, the activities of CIA employees while assisting other agencies will be governed by all rules, regulations, and procedures controlling the activities of CIA employees.

5. CIA may provide expert personnel to federal law enforcement agencies to assist in investigating or preventing clandestine intelligence activities by foreign powers, international terrorist activities, or international narcotics production and trafficking, provided that such assistance is limited to technical and analytical assistance to evaluate or analyze information collected by law enforcement agencies and that CIA personnel do not participate in collection of raw information. Such assistance may be provided without prior approval of the Attorney General if the General Counsel, CIA, has determined that provision of the assistance is consistent with all applicable law, including the provisions of the National Security Act of 1947, as amended. The Attorney General shall be notified, on a timely basis, of all assistance provided under this paragraph. Any request for CIA participation in collecting counterintelligence information in the United States shall be reviewed and approved in accordance with the procedures approved under § 1-805 of Executive Order 12036.

APPROVAL PROCEDURES FOR PERMITTED ACTIVITIES

6. Except as provided in paragraph 8 below, requests for Attorney General approval for CIA provision of its expert personnel to a Federal law enforcement authority (except LEAA or its successor agencies) will be made by the Director of Central Intelligence (DCI) or Deputy Director of Central Intelligence (DDCI) and will:

- a. describe the nature of the assistance to be provided, including the duration thereof; and
- b. explain the basis for the conclusion that CIA is in a position to provide requested assistance which is not otherwise available from a non-intelligence agency.

7. Except as provided in paragraph 8, immediately below, requests for Attorney General approval for CIA provision of its expert personnel to a state or local law enforcement agency in the United States will be made by the DCI or DDCI and will:

- a. describe the nature of the assistance to be provided, including the duration thereof;
- b. explain the basis for the conclusion that CIA is in a position to provide requested assistance which is not otherwise available from a non-intelligence agency; and

c. describe the facts and circumstances relating to the threat of human life.

8. The Attorney General may approve generic findings for a particular type of assistance for a particular law enforcement authority, if circumstances require that repeated assistance may be needed. Such approval may authorize CIA to provide similar assistance so long as it continues to meet the requirements of paragraph 6 and 7 above, and meets any specific additional requirements set out in the Attorney General procedures.

9. When necessary a request may be oral and authorization may also be oral but in these circumstances the request and authorization will be confirmed in writing as soon as possible.

10. All recommendations to the DCI or DDCI requesting Attorney General approval will be forwarded through the General Counsel, CIA, along with supporting information, for his determination that the recommendation conforms to the requirements of these procedures and is otherwise lawful. The General Counsel's determination shall be sent to the Attorney General as part of any request for Attorney General approval.

EXCEPTIONS

11. Nothing in these procedures will be construed to prohibit, where a person's life or physical safety is reasonably believed to be in imminent danger, and the time required to secure the prior approval of the Attorney General would increase the risk of such danger, the assistance by CIA expert personnel without such prior approval. The Attorney General shall be notified within 72 hours of any such assistance provided to a law enforcement authority in such exigent circumstances.

12. Nothing in these procedures will be construed to prohibit CIA's providing its expert personnel to support the Secret Service in accordance with the provisions of Public Law 94-524 (18 U.S.C. 3056 note).

13. Nothing in these procedures precludes exceptions by specific written Presidential authorization to the extent the President has lawful authority to approve such exceptions. Any application for such exception will be forwarded by the DCI or DDCI to the President through the Attorney General.

INTERPRETATION

14. All questions as to the coverage and interpretation of these procedures will be resolved by the General Counsel, CIA, in consultation where there is a significant new legal question with the Department of Justice. The DCI may modify these procedures upon the express approval of the Attorney General.

DEFINITIONS

15. For the purposes of these procedures the term:

a. "Attorney General" includes the Acting Attorney General or any person specifically designated by the Attorney General to approve requests for assistance.

b. "Central Intelligence Agency" and "CIA" include the staff elements of the office of the Director of Central Intelligence.

c. "CIA employee" means any person employed by, assigned to or acting for CIA.

d. "CIA expert personnel" and "its expert personnel" mean any CIA employee who has unique or special technical or professional skill or expertise.

e. "Clandestine intelligence activity" means an activity conducted for intelligence purposes or for the purpose of affecting political or governmental processes by or on behalf of a foreign power in a manner tending to conceal from the United States Government the nature or fact of such activity or the role of such foreign power, and any knowing activity conducted in support of such activity.

f. "Deputy Director of Central Intelligence" and "DDCI" include the Acting Deputy Director of Central Intelligence.

g. "Director of Central Intelligence" and "DCI" include the Acting Director of Central Intelligence.

h. "Federal law enforcement authorities" includes the FBI, DEA, Secret Service and other entities of United States departments and agencies whose officers are empowered by law to conduct investigations of, and to make arrests because of, offenses against the United States.

i. "Foreign power" means

(1) a foreign government or any component thereof, whether or not recognized by the United States;

(2) a faction of a foreign nation or nations, not substantially composed of United States persons;

(3) an entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;

(4) a foreign-based group engaged in international terrorist activity and any other group engaged abroad in such activity; or

(5) a foreign-based political organization not substantially composed of United States persons.

j. "International terrorist activities" means any activity or activities which:

(1) Involves killing, causing serious bodily harm, kidnapping, or violent destruction of property, or an attempt or credible threat to commit such acts;

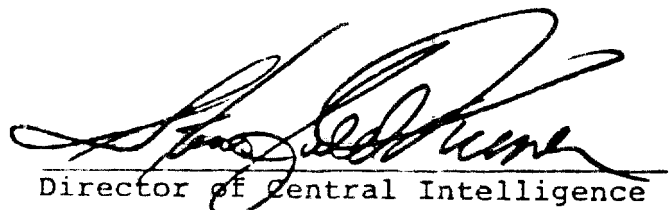
(2) Appears intended to endanger a protectee of the Secret Service or the Department of State or to further political, social or economic goals by intimidating or coercing a civilian population or any segment thereof, influencing the policy of a government or international organization by intimidation or coercion, or obtaining widespread publicity for a group or its cause; and

(3) Transcends national boundaries in terms of the means by which it is accomplished, the civilian population, government, or international organization it appears intended to coerce or intimidate, or the locale in which its perpetrators operate or seek asylum.

k. "United States," when used to describe a place, includes territories of the United States.

18 July 1979

Date


Director of Central Intelligence

I approve the foregoing procedures in accordance with subsection 2-309(c) of Executive Order 12036. In my opinion the provision of assistance to law enforcement authorities by CIA expert personnel pursuant to and in accordance with these procedures is lawful.

July 31, 1979
Date

William B. Bace
Attorney General